

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**

3 SNOW COVERED CAPITAL, LLC,

4 Plaintiff

5 vs.

6 WILLIAM WEIDNER, ANDREW FONFA,
7 and DAVID JACOBY,

8 Defendants.

Case No. 2:19-00595-JAD-NJK

**STIPULATED
SCHEDULING ORDER AND BRIEFING
SCHEDULE**

ECF No. 178

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10 Pending before the Court is the parties' Stipulation Regarding Scheduling Deadlines and
11 Briefing Schedule. ECF No. 178.

12 Pursuant to the Court's Order dated May 3, 2021, the parties have stipulated to the scheduling
13 order set forth below. Additionally, pursuant to this Court's May 3, 2021 Order (ECF No. 177), the
14 parties have stipulated to the following protocol for pre-trial discovery into Plaintiff's pre-
15 foreclosure attorneys fees claims that Plaintiff seeks to include in calculating the "indebtedness"
16 used to calculate any deficiency that Plaintiff alleges to be owed by the Defendants. However, the
17 parties have a disagreement regarding whether post-foreclosure fees may be included in any
18 "indebtedness" used to calculate any deficiency owed by the Defendants to Plaintiff SCC. As such,
19 the parties have requested a briefing schedule be ordered and that Judge Dorsey, after considering
20 the parties' respective briefs, make a ruling on the disputed issue of whether post-foreclosure fees
21 may be included as part of the "indebtedness." The parties are not seeking a ruling in this briefing
22 on any other grounds for recovery of attorneys fees or other damages. The parties have agreed in
23 the Stipulated Scheduling Order and Briefing Schedule on all other pre-trial deadlines, but are
24 reserving any proposed schedule regarding discovery on post-foreclosure attorney's fees until after
25 Judge Dorsey has made a ruling on the parties' briefing. Should Judge Dorsey find that the post-
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1 foreclosure attorney's fees may be included as part of the "indebtedness" the parties will submit a
2 stipulated scheduling order for discovery on post-foreclosure attorney's fees.

3 Accordingly, after consideration of the parties Stipulation Regarding Scheduling Deadlines
4 and Briefing Schedule, **IT IS HEREBY ORDERED THAT**, except as provided below, the
5 following pre-trial deadlines shall govern this case going forward:
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- 7 • All fact discovery, including discovery regarding Plaintiff's pre-foreclosure
8 attorneys fees claims, shall be concluded by May 17, 2021. That date does not
9 preclude the parties from seeking to enforce those discovery requests served prior to
10 that date that cannot be resolved without Court intervention. Neither does it preclude
11 those parties opposing such enforcement efforts from asserting any objections
12 thereto, including, but not limited to, any objections based on the untimeliness of any
13 such enforcement efforts;
14
- 15 • All initial expert report(s) and disclosures, including Plaintiff's reports regarding its
16 pre-foreclosure attorneys fees claims, and both sides' reports on valuation are to be
17 exchanged by email on or before on July 16, 2021;
- 18 • All rebuttal reports and disclosures, including Defendants' responsive expert
19 report(s) regarding the Plaintiff's pre-foreclosure attorneys fees claims, are due on
20 August 16, 2021;
- 21 • Expert discovery will be conducted between August 16, 2021 and September 29,
22 2021;
- 23 • The parties' Joint Proposed Pretrial Order is due on November 29, 2021, or 30 days
24 after resolution of the dispositive motions, or on such date as is established by
25 further order of the Court in accordance with the briefing schedule set forth below.
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28 **IT IS HEREBY ORDERED THAT** the parties shall submit briefs to the Court for decision

1 by the Honorable Judge Jennifer Dorsey on the issue of whether post-foreclosure attorney's fees
2 may be included may be included in any "indebtedness" used to calculate any deficiency owed by
3 the Defendants to Plaintiff SCC:

- 4 • The parties shall simultaneously submit their respective briefs by no later than 5:00
5 p.m. pacific standard time on June 17, 2021; and
- 6 • The parties shall submit any responding briefs by no later than 5:00 p.m. pacific
7 standard time on July 1, 2021.

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9 Should Judge Dorsey find that the post-foreclosure attorney's fees may be included as part
10 of the "indebtedness" the parties will submit a stipulated scheduling order for discovery on the post-
11 foreclosure attorney's fees, including any related expert disclosure, reports, and discovery, within
12 15 days of such ruling. Except as otherwise provided herein, the parties reserve all rights regarding
13 all other matters not addressed herein.
14

15 **STIPULATED AND AGREED AS TO FORM AND SUBSTANCE BY ALL PARTIES:**

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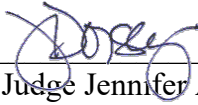
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IT IS SO ORDERED



U.S. District Judge Jennifer A. Dorsey
Dated: May 25, 2021